

THE MILAN EXCHANGE.

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MILAN. - - - TENNESSEE.

NEWS IN BRIEF.

Compiled from Various Sources.

CONGRESSIONAL PROCEEDINGS.

THE consular and diplomatic appropriation bill, with an amendment increasing by \$50,000 the amount set apart for State Department contingent expenses, passed the Senate, March 22. In the House the Secretary of War was called on for information as to what further flood relief is required. The Chinese bill was taken up and Mr. Washburn advocated it as a means of preventing the greatest of all dangers—the degradation of labor. Mr. Kasson gave notice of amendments to place the bill in harmony with the history of the country. An allusion to the fugitive slave law brought a retort from Mr. Hammond, of Georgia. An amendment was offered limiting the operation of the law to ten years instead of twenty.

In the Senate, March 23, the bills in relation to the Venezuela award were indefinitely postponed. The resolution for a reciprocity treaty with Mexico was referred to a Committee on Foreign Relations. The Indian appropriation bill came from committee, with amendments increasing the aggregate amount to \$1,507,300. In the House, debate on the Chinese bill was resumed. Mr. Richardson, of South Carolina, and Mr. Wiese, of Pennsylvania, spoke in favor of the bill, and Mr. Morse and Mr. Joyce opposed it. Many members gave their views upon the measure, and finally Mr. Fane brought the debate to a close. In the course of his remarks he said he witnessed a scene the other day—he saw one of the lobbyists of a corporation walk in and congratulate a member who had denounced this bill. "The Six Chinese Companies, through their agents in this city, swarmed in every corridor of the Capitol, and had for weeks." He knew two railroad corporations that had united to defeat this bill. A number of amendments were rejected, and the bill finally passed by a vote of 167 to 65.

THE bill authorizing the construction of a bridge over the Missouri River at or near Arrow Rock, Mo., passed the Senate, March 24. The life-saving service bill was debated, amended, and passed—46 to 8. Mr. Kellogg reported a bill appropriating \$5,000,000 for the improvement of the navigation of the Mississippi and Missouri Rivers, \$5,000,000 to be expended on the Mississippi and \$1,000,000 on the Missouri, in accordance with the plans recommended by the Mississippi River Commission. The tariff commission discussion was resumed, and Mr. Miller, of New York, gave some reasons for his belief in protection. He said he feared that unless some Southern members amended their views on this issue they would be left at home. The House passed a number of private bills, one referring to a court of claims the claim of captors of the ram Albemarle. Adjourned until the 27th.

In the Senate, March 27th, the committee on revision of the laws was instructed to inquire what legislation was necessary to define the term "Indian country" as used in the Revised Statutes. The bill for the admission of Dakota was recommitted. The bill passed granting pensions to the widow of President Garfield, Tyler and Polk. The tariff commission bill was briefly discussed. The agricultural appropriation bill was reported with amendments. Mr. Call's resolution in favor of paying Spanish claims under the treaty of 1898 was debated without action. In the House, bills were introduced and referred authorizing payment of medical experts in the Gaitan trial, not exceeding \$5 a day for actual attendance; authorizing the issue of \$25,000,000 fractional currency; for the appointment of a joint committee of fifteen to investigate the overflow and report measures to prevent a recurrence thereof. The post-office appropriation bill was reported and referred to committee of the whole. The Garfield Memorial hospital bill was recommitted. A resolution calling for a new extradition treaty with England was referred.

PERSONAL AND POLITICAL.

THE appointment of Judge Blatchford as Associate Justice of the Supreme Court has been confirmed by the Senate.

GEN. GRANT and his wife have been entertained at dinners given by Secretary Frelinghuysen, President Arthur, George Bancroft, Gen. Edward Beale, and Bancroft Davis.

THE President has tendered to Senator Teller the Secretaryship of the Interior.

THE Minnesota Senate, by a vote of 30 to 8, found Judge Cox guilty of the offenses charged against him. The verdict deposes him from the bench and disqualifies him from holding office for three years.

COLLECTOR ROBERTSON, of New York, says: "I have read the testimony given by Shipperd before the House Committee, and so far as that testimony relates to me, Shipperd has stated facts tersely and fairly. I was employed by the Peruvian Company to examine questions affecting the company and to give a legal opinion. This I did, and was paid for it, and that comprises my entire connection with the company. The question that I was asked to examine was concerning the title of the company to claims made against the Peruvian Government. Further than this I have nothing to say."

GOV. CRITTENDEN, of Missouri, has called a special session of the Legislature, for April 19, to redistrict the State.

CHARLES H. REED had an interview with Gen. Benj. Butler, in Washington, the other day, trying to induce him to argue Gulteau's case before the Court in general term. Gen. Butler said he had no doubt of Gulteau's insanity, and if he had time he would make the argument, but he could not possibly take hold of it. He told Mr. Reed he ought to make the argument himself; that he did not need any help. He may possibly do so, he says. There is error enough in the trial to set it aside if Gulteau had killed an ordinary man.

COMMERCE AND INDUSTRY.

THE jury in the case of the Tennessee Brokerage Association and Memphis Board of Trade, indicted for gambling in "futures," legalized such transactions by finding a verdict of not guilty.

TREASURER GILFILLAN says there is a pressing need of a fractional currency. The demands for it in small quantities come from all parts of the country. It is needed for transmission through the mails of sums less than \$1, and for certain classes of business that have been wholly destroyed for want of this medium of exchange, coin being too heavy and uncertain. Mr. Gilfillan says many complaints come from newspaper publishers, who get so many postage stamps that they don't know what to do

with them, the Government not redeeming them. The Treasurer claims the right to issue this fractional currency, but an appropriation to pay expenses is first necessary. He advocates the issue.

CRIMES AND CASUALTIES.

NEAR Emmitsburg, Iowa, the other day, Charles Cornelian and Fred Miller got angry in a dispute. Cornelian drew a revolver and shot Miller dead. He then sent two bullets into his own brain and fell dead.

JOHN SULLIVAN, a spinner employed in a wool mill at Dedham, Mass., went home slightly under the influence of liquor, March 20, and after a few words with his wife seized a razor and cut her throat, severing the jugular vein and carotid artery. The woman, despite the fatal wound, rushed into the street, followed by her husband, still brandishing the razor and inflicting at every step ghastly cuts with the weapon about her head and shoulders. She got away from him and ran to the house of a neighbor, but while endeavoring to obtain entrance was overtaken by her husband, who renewed his attack. The woman then started off again, the husband following, clutching her hair and slashing at her with the razor. The terrible chase was re-enacted, until the woman reached her own doorway, where she fell dead. Sullivan was arrested.

AN explosion at the Vulcan Powder Works, near Oakland, Cal., March 27th, resulted in the death of five white men and six Chinamen, and probably the fatal burning of four other white men. At 10 a. m. fire was sent to issue from the granulating house, and almost instantly a dull explosion followed, spreading wreck and desolation on all sides. The scene was a mass of burning ruins, in the midst of which were several bodies literally roasted to a crisp. In one place, where the side of the building had been strongly braced with iron bars, these bars were twisted up and formed a huge gridiron, on which lay the bodies of three men, curled into the most horrible shape. In front of the boiler lay the ghastly corpse of the engineer, blackened and partially burned, lying upon its face, with the heels touching the back of his head. Near the corpse were three more bodies. Every vestige of flesh had been burned off the bones, and near by, deep in the burning embers, lay the charred bodies of two Chinamen. To the right was the naked body of a white man, so fearfully burned as to be irreco gnizable. Near this was another body, evidently blown from a distance, the bones protruding from the flesh, and eyes starting from their sockets. Four men were dragged from the ruins still living, but the doctors think there is no chance of their recovery. The white men killed were: H. C. Lamb, J. Stewart, L. W. Starr, Thomas Mills. The injured are: W. H. Ferris, W. E. Dales, Gottlieb Koch, Louis Schaffer.

MISCELLANEOUS.

WM. F. PARKER, of the firm of T. Parker & Son, Jewelers, of Wilkesbarre, Pa., died, March 25, from the effects of an overdose of chloral. It is thought that Parker took the dose to end his life, as it is currently reported that a young and beautiful lady to whom he had been paying his addresses had recently turned him off as a suitor for her hand.

GEN. G. E. LANE, of Exeter, N. H., member of Governor Bell's staff, President of a local savings bank, and for some time Treasurer of the Rockingham Company, is a defaulter to the amount of \$45,000. Gen. Lane is a native of Exeter, 40 years of age. Up to the 23d, he had borne an unblemished reputation, and always enjoyed in a high measure the confidence and esteem of the community. He has been for a long time proprietor of a large book, stationery and newspaper store. For many years he was Treasurer of the Union Savings Bank of Exeter, a very prosperous institution. His wife and children lived comfortably, but were never known to be extravagant in any respect. He has been a member of the First Congregational Church, always generous in contributing to religious objects and to other public causes. Upon application of Norris Dow, of Exeter, to whom Gen. Lane was indebted, he drew a check for \$3,000 on a Boston bank. The check was immediately presented and dishonored, on the ground that he had no funds in the bank. Mr. Dow returned to Exeter by the next train and placed an attachment upon Lane's store. The attachment so alarmed Gen. Lane that he immediately went to Mr. Dow and asked for a private conference with him. He then made a full confession, saying that he had embezzled from the depositors of his private bank to the amount of \$20,000. He also confessed that he was a defaulter to the County of Rockingham in the sum of \$25,000. He admitted that his downfall was caused by speculation in stocks. Lane then voluntarily delivered himself up to the authorities and was taken to Portsmouth.

OHIO furnished two costly conflagrations, March 24th. Incendiarism in the large grocery house of W. P. Southworth, Cleveland, caused losses estimated at more than \$200,000. A defective fuse caused the destruction of the entire business portion of McArthur, Vinton County, valued at \$200,000.

At a meeting of the committees representing the various associations, in New Orleans, March 25, it was resolved to abandon the idea of celebrating the bi-centennial anniversary of LaSalle's discovery of the mouth of the Mississippi River. This action is based on the distressing condition of affairs in the Mississippi Valley.

A CONFLAGRATION at Richmond, Va., on the 26th, swept away property valued at \$500,000. The Richmond & Petersburg Railroad bridge; tobacco factories owned by Rutherford & Co., Patterson & Co., Williams & Co., J. A. Hutchinson, C. R. & I. D. Barksdale, Aborn & Edwards; the Vulcan Iron Works, twenty tenements, a grist mill owned by T. P. Smith, the Virginia Mining Company's kaolin works, and some freight cars were all destroyed in an incredibly short time. Charles Betts, aged 15, was killed by a falling wall, and two men were buried in the ruins of Patterson's factory.

IN the final decree prepared at St. Louis by Judges McCrary and Treat in the suits of the express companies against the railroads, it is ordered that express matter in charge of an agent can be carried on all passenger trains, devoid of all interference by the railway officials, the rate not to exceed 50 per cent. above that for ordinary freight, payment to be made by the express companies on the 15th of each month.

CROW DOG, the Indian chief who killed Spotted Tail, has been convicted in the federal court at Deadwood, Dak. The people of the Black Hills charge that the result was reached by perjured testimony, and they propose to appeal to the Supreme Court.

REPORTS from the flooded districts are encouraging. In many places the people are making ready to put in their crops.

JOHN LAND, one of the Blue Cut train robbers on trial in the Criminal Court at Independence, Mo., has made a statement to the effect that two weeks prior to the robbery Creed Chapman and John Bugler came to him and told him of a plan Jesse James and Jim Cummings had on hand to rob the train at Blue Cut and invited him to participate. He refused for several days to have anything to do with them, but they finally came to him in company with Jesse James, and being afraid to longer resist, he consented to join the gang. Jesse told him that he had authentic information that on the night of September 7 the Kansas City banks would receive a large sum of money by express from Chicago and St. Louis, and accordingly that train was selected. On the evening of the robbery the party—consisting of, besides Jesse James, Dick Little and the old gang, John Bugler, Creed Chapman, John Mott and Henry Bugler—met in a wild spot near Glendale Station and perfected the plans for stopping the train. John Mott was at that time agent at Glendale Station, and he furnished a lantern and red flag to signal the train. Land took the lantern and stopped the train, and while Jesse James and Dick Little robbed the express the others of the party robbed the passengers. As soon as the robbery was committed the gang repaired to an old house in Cracker Neck forest and there made a partial division of the money; but pursuit being organized so soon Jesse James took possession of all the money and valuables and with the members of the gang fled to Clay County, advising the Cracker Neck boys to go about their business and assist the officers in the search, promising to make an equal division of the money, and at some convenient time return and pay each party his respective share. This part of the programme was, however, never carried out, and none of the natives ever received any dividend.

INVESTIGATION into opium smuggling operations recently detected in San Francisco, Cal., develops a scandalous conspiracy to defraud the Government on the part of certain city and federal officers. The conspiracy was revealed through correspondence conducted in the Chinese language, just introduced as evidence.

JUDGE ADVOCATE GENERAL SWAIN has submitted a report to the Secretary of War on the Sergeant Mason case. He holds that Mason is not lawfully confined, and the proceedings of the court-martial are in valid.

CONDENSED TELEGRAMS.

THE tariff commission bill passed the Senate, March 28th, by a vote of 38 to 15. The commission, according to the bill, will consist of nine members, appointed by the President and confirmed by the Senate, with salaries at \$40 a day.

DURING a severe gale on the 27th a three-story brick house in Evansburg, Pa., was blown down, and two men, Wm. Hunt and Frank McDonald, were killed; John Houser and Wm. Sharle were fatally injured, and five others slightly hurt. A frame house in Pittsburg was demolished and John Atkinson and Patrick Gavin were fatally injured. At Wheeling, W. Va., hailstones the size of walnuts pelted western fronts like a volley of rifle balls. Windows in the State-house, United States Custom-house, Female College, Linsby Institute, the large hotels and factories, all the ward school buildings, and many business houses and residences were riddled. Hotbeds, green-houses and skylights gave way like egg-shells and many valuable plants were destroyed. Persons who were exposed to the storm and not in reach of shelter were badly bruised about the head, and horses in many instances became frantic and ran away. The street-cars and railroad coaches all suffered more or less damage to the windows. Cleveland, Ohio, was swept by a furious hurricane, accompanied by vivid lightning, thunder, hail and torrents of rain, and a number of unfinished buildings were blown down. At Lexington, Ind., a hail-storm broke nearly every window in town.

THE Nichols boarding-house, West Ansonia, Conn., burned on the 27th. Two boarders, young clerks, named Bassett, who occupied a room on the third floor, were burned to a crisp. Mrs. Nichols jumped from a second-story window and received a serious contusion.

A SHOCKING affair occurred at Olymplan Springs, near Owingsville, Ky., the other day. Wm. Worth had called on Powell Rose to arrange about the boundary line between their farms. In the course of the talk a quarrel arose and Worth struck Rose with his fist, and before the latter could recover Worth drew a revolver and fired. The ball struck Rose on a rib, glanced, and struck his daughter, twelve years old, killing her instantly.

MISS PHEBE COUZINS, of St. Louis, has applied to President Arthur to be appointed one of the five commissioners to visit Utah, and a petition with numerous signatures will be sent to Washington.

THE contributions toward the Garfield memorial hospital in Washington have so far increased of late that General Sherman and Senator Wyndom have called a meeting of the wives of Senators and Representatives to arrange for a national board of visitors and select vice-presidents.

SOUTHERN GLEANINGS.

Few persons, we imagine, had any idea of the vast number of deer still left in the swamps of Louisiana, until herds were driven from their fastnesses by the high water of the present season. In the immediate vicinity of Natchez there have been hundreds, and we may probably be speaking within bounds when we say thousands, of these beautiful animals, which have crossed the river within the space of a few miles above and below this city. Worn and exhausted as they have been, after their long swim across the swollen river, they would have fallen an easy prey to the pot-hunters who only hunt for profit, had it not been for the extraordinary exertions of the true sportsmen of the country, and humane people who despise wanton cruelty. On Sunday last, several gentlemen found a number of deer that had fallen into a ravine, from which they found it impossible to get out. With true humanity they went to work and dug a pathway by which the little animals could find their way out of the ravine, helped them to mount to the top of the bank, and sent them on their way rejoicing to the green woods of the country. Instances of the same kind of humane feeling have been, we are glad to say, the rule with the people of this vicinity, while the disposition to capture and kill the deer has been the exception.—Natchez Democrat.

At Burkeville, Newton County, Tex., there is on the premises of Judge M. D. Hines a well of ordinary width and depth, to obtain water from which two buckets are used. These are connected by a rope, which passes over a wheel suspended from a frame above the curbing. The contrivance is a simple one, the arrangements being such that as one bucket is drawn up the other descends. The strange feature about the well is that at irregular periods, and without any visible or known cause, the buckets will change places, the empty one descending to the bottom and the filled one rising to the top of the well.

Mrs. Coker, with her three children, in an ex-cart, was recently returning home from Perry, Ga. The road they traveled passed through very rank wire-grass, which had been set on fire. In trying to get out of the way the cart and oxen became fastened among pine logs, and the fire overtook them. The cart, with the two children inside, was consumed and the oxen were burned to death. The woman attempted to escape with her infant, but her clothing caught fire and she and the other child were so badly burned that they have since died.

A novel suit has been entered by a citizen of Atlanta, Ga. He has been unable, after two years of trial, to get a place in the public schools. He now proposes to resist the payment of the school-tax by law, and has employed an attorney to take the matter in hand. He says: "I do not see why I should be taxed to support the schools when I can not get any representation in them. I have the same right of any other citizen to send my boy, and yet there are hundreds of others who get schooling and I have none. I do not think they can collect a school-tax when they refuse to let me send my son to the school."

The owner of the cave deposits of bat guano in Uvalde County, Texas, says the supply can not be exhausted in a century. An analysis shows over 11 per cent. of ammonia. The caves have recently been reached by railroad tracks, and the first shipment has been made. The product is expected to bring \$50 per ton.

For several months says the Conyers (Ga.) Weekly, one of our citizens has been noticing that his butcher invariably let his hand rest on the meat slightly when he weighed it, and he reweighed it at home and found it from a half to a pound short. He kept an account of these deficiencies, and when they aggregated one hundred pounds he took out an attachment for the butcher's hand, claiming that it rightly belonged to him, he having more than paid for it.

The region south of Memphis is swarming with buffalo-gnats, which are killing what little stock was saved from drowning.

The New Orleans Gas-Light Company has been declared by Judge Pardee to have no legal existence.

Out of a total vote of 640, Bryan, Tex., gave a majority of 377 for liquor prohibition.

A convicted horse-thief named Bondy jumped from a train near San Antonio, Tex., last week, and was shot dead by the guards.

Two negroes, who were resisting arrest for forgery, were shot by a constable at Morrow's Station, Ga., a few days ago. Both escaped, but one, named Bloom, was afterward found dead in the woods. The negroes had first shot at the constable.

One hundred families have moved into Birmingham, Ala., since the 1st of December.

Gov. Colquitt, of Georgia, has determined not to call an extra session of the Legislature for the purpose of redistricting the State.

Eighty-five thousand tons of fertilizers were sold in North Carolina for the year 1881.

Silk culture in Louisiana has of late become a thriving industry, and promises an abundant production.

In 1865 Florence, S. C., contained only ten houses. It now has a population of over 2,000, and last year over 100 houses were built.

A Justice of the Peace in Atascosa County, Texas, says that he has assessed but two fines for misdemeanors during eight years.

Watermelons are up and doing well in Georgia. Three hundred acres are planted in Brooks County.

Representative Black, of Georgia, is seriously ill. He is not expected to recover.

Macon, Ga., had a \$50,000 fire the other day, and Mr. R. B. Watson, cotton broker, perished in the flames. Florida is full of tourists.

Death of the Poet Longfellow.

A great loss has fallen upon American literature. One of our greatest, most admired and best loved poets, Henry W. Longfellow, has passed away at the ripe age of seventy-five, and in his death, which cannot be called untimely, for he had finished his work and his fame was established, this country will sincerely mourn the loss of an accomplished and lovable gentleman, a ripe and versatile scholar, and a graceful and refined poet, whose poems will unquestionably become classic and stand as models of pure and elegant English.

Henry Wadsworth Longfellow was born at Portland, Me., February 27, 1807, and was graduated at Bowdoin College in 1825. During his collegiate career he showed unmistakable signs of poetic talent. He at first entered his father's office to study law, but soon abandoned it to take the Professorship of Modern Languages and Literature in Bowdoin, with the privilege of going abroad for purposes of study. He was absent in Europe three years, and upon his return filled his Professor's chair five years. During this time he wrote several brief fugitive poems, and also published his "Outre Mer." In 1835 he succeeded Mr. Ticknor as Professor of Modern Languages and Belles-Lettres at Harvard University, and held the position until 1864, enriching these years with splendid proofs of his scholarship and poetical genius, and greatly increasing the dignity of American letters at home and abroad, so that he ultimately received distinguished honors, not only from Harvard, but from the great English universities of Cambridge and Oxford, which have rarely recognized American literary triumphs.

He resigned his Professorship at Harvard in 1864, but continued to reside in Cambridge in the quaint but beautiful old house familiarly known as Washington's headquarters, which has been the literary Mecca of this country. In that quiet and charming home, looking out upon graceful lawns and gardens and shaded by giant elms, he has passed his days, interrupted by occasional visits to Europe, where he was always received with special honor. In the old rooms, where his genial presence will now be sadly missed, he received his friends who flocked to see him, dispensed his graceful hospitality, and wrote those volumes of poems which from time to time have so charmed his countrymen and the world. And what a list they make, and how beautiful all of them are—so beautiful that each new one will call up many advocates, claiming its excellence over the others. The list of the more important is as follows: "Coplas de Manrique," a translation (1833); "Outer Mer" (1835); "Hyperion" (1839); "Voices of the Night" (1839); "Ballads and Other Poems" (1841); "Poems on Slavery" (1842); "The Spanish Student" (1843); "Poets and Poetry of Europe" (1845); "The Belfry of Bruges" (1846); "Evangeline" (1847); "Kavanagh," a tale (1849); "Seaside and Fireside" (1850); "The Golden Legend" (1851); "The Song of Hiawatha" (1855); "The Courtship of Miles Standish" (1858); "Tales of a Wayside Inn" (1863); "Flower de Lucie" (1867); "The New England Tragedies" (1868); "The Divine Tragedy" (1872); "Aftermath" (1874); and "The Hanging of the Crane" (1874). Among his great translations is that of Dante's "Divina Commedia" into verse, which is everywhere recognized as a model translation.

As a poet Mr. Longfellow was peculiarly remarkable for the absolute purity, sweetness, refinement and melody of his verse. He was in quick sympathy with all that belongs to humanity, and, though rarely sounding the great depths of passion, he swept every string of beauty, pathos and tenderness, and was pre-eminently the poet of the home. In the whole range of his poetry there is nothing coarse, nothing bitter, nothing that does not attract the reader to him and make him better for the reading. He has not left a line which he could wish unwritten. He was a master of beauty. The Titan among poets, and especially the master of the finer and tenderer emotions of the heart, and for this reason he appealed to the hearts of all and entered the circle of every American home as a welcome and honored guest. It is impossible at this time and in this place to do full justice to the memory and the works of the great poet. It is only the sad duty of the newspaper chronicler to announce the tidings of his death, which will bring sorrow into many homes, and to mourn the loss of so honored and revered a name in the world of American literature, leaving to others not engaged in the press and whirl of daily news the grateful duty of paying the need of honor due to the poet.—Chicago Tribune.

Cadet Whittaker.

WASHINGTON, March 25. A general order was issued from the Adjutant-General's office to-day, giving the findings of the court-martial in the case of Cadet Johnson C. Whittaker, United States Military Academy, together with the orders of the President, signed yesterday, disapproving of the proceedings and sentence of the court, and directing that Whittaker be released from arrest. The court-martial at found Whittaker guilty on both of the two charges against him, viz., conduct unbecoming an officer and a gentleman, and false swearing before the Court of Inquiry at West Point, together with the various specifications on under the charges. The sentence of the court, which is rendered inoperative by the President's disapproval, was that he "be dishonorably discharged from the military service of the United States, and be compelled to pay a fine of one dollar, and to be thereafter confined at hard labor for one year in such penitentiary as the reviewing authority may designate."

The reasons given by the President for disapproving the findings are: "That on the trial the court-martial, notwithstanding the objection of the accused, admitted in evidence to be used by experts in handwriting as standards of comparison with the note of warning, which is the subject of the second specification of the first charge, and of the third specification of the second charge, a number of papers testified to be in the handwriting of the accused, which papers were not in evidence for any other purpose than to be used as such standards, and were used by the experts, and that a large amount of testimony in support of the above-mentioned two specifications by such experts based on their comparison of these standards with the note of warning was introduced on the part of the prosecution, and the Attorney-General being of the opinion, concurring therein with the Judge-Advocate-General of the Army, that the above-mentioned papers were improperly admitted in evidence, and that there is in that respect error in the proceedings of the court in relation to a material issue."